S.B.Cr.Misc. II Bail App. No. 1579/2006
(Hema Ram and Ors. Vs. State of Rajasthan)

DATE OF ORDER : 01/05/2006

**HON'BLE MR.H.R.PANWAR, J.**

Mr. J.S.Choudhary, for the petitioners.
Mr. J.P.S.Choudhary, Public Prosecutor.

This is second bail application filed by the petitioners under Section 438 Cr.P.C.

Heard learned counsel for the petitioners and public prosecutor for the State.

Learned counsel for the petitioners submits that while rejecting the earlier bail application, it was noticed by this Court that the earlier dying declaration made by the deceased to her mother was earlier in time, whereas the earlier dying declaration was recorded by the police in the presence of the Doctor and dying declaration before the mother of the deceased was later in time. According to learned counsel, in the written dying declaration recorded by the police, it has been stated that while deceased was preparing tea on fire-pot, she caught fire. Learned public prosecutor submits that from the body of the deceased, smell of kerosene was coming and therefore, the dying declaration recorded by the police stating that deceased caught fire while preparing tea, belies. Learned public prosecutor further submits that the matter was investigated by the two

different additional S.Ps. and both found that prima-facie, case is made out against the petitioners.

Having regard to the facts and circumstances of the case, without commenting on the merit of the case, I do not consider it a fit case to grant anticipatory bail to the petitioners. Accordingly, the second bail application filed by the petitioners under Section 438 Cr.P.C. seeking anticipatory bail is dismissed.

(H.R.PANWAR), J.

RP